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OFFICE OF THE SECRETARY

RIVERFRONT PLAZA, EAST TOWER
951 EAST BYRD STREET
RICHMOND, VIRGINIA 23219-4074

TEL 804 • 788 • 8200
FAX 804 • 788 • 8218

Kelly L. Faglioni
Direct Dial: 804-788-7334
EMAIL: K FAGLIONI@HUNTON.COM

File No: 46001.000278

September 25, 2001

By Hand Delivery

Ms. Dorothy T. Attwood, Chief
Common Carrier Bureau
Federal Communications Commission
445 12th Streets, S.W.
Washington, D.C. 20554

**Arbitration of Interconnection Agreements between
Verizon and AT&T, Cox and WorldCom,
CC Document Nos. 00-218, 00-249 and 00-251**

Dear Ms. Attwood:

I write in anticipation of tomorrow's pre-hearing conference with respect to the issues that Verizon VA understands will be considered in connection with the hearing commencing October 3: (i) pending motions, (ii) general schedule, (iii) procedures, (iv) proposed waiver of cross-examination, and (v) witness issues.

Cox Revised Petition

On September 18, 2001, Cox filed what it styled an Amended Petition for Arbitration. Cox has declined to explain the basis of its filing, despite Verizon VA's inquiry other than to claim that its Amended Petition replaces Issue I-5 and corrects Issue I-7. However, as the record in this case developed and testimony was filed, the Parties clarified their positions through motions, responses to motions, and testimony. This late-filed pleading is completely unnecessary to clarify either Cox's positions or the record. Thus, if the Commission chooses to accept Cox's Amended Petition, Verizon asks that it be excused from filing an Amended Answer. Verizon's positions on Issues I-5 and I-7 are fully set forth in its testimony.

Proposed Schedule

The Parties worked cooperatively to jointly propose a schedule for the non-cost portion of the hearing. That joint schedule was provided to the Commission informally on September 21 and is attached as Exhibit A for ease of reference. The Parties understand that

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the Commission generally is agreeable to the proposed schedule, but may need to request some modifications.

Procedures

As with the schedule, the Parties have discussed hearing format and procedural issues for the non-cost portion of the hearing. Despite the discussions, the Parties were unable to finalize a jointly proposed set of formats and procedures. In the hope of focusing discussion, Verizon VA attaches as Exhibit B its proposed format and procedures.

Proposed Waiver Of Cross

Verizon VA proposes the following issues for waiver of cross-examination of Petitioners' witnesses, assuming all Parties and the Commission agree to the same for Petitioners' and Verizon's witnesses on the same issues. Notwithstanding Verizon VA's proposal, if any party or the Commission would find cross-examination beneficial, Verizon VA is prepared to have its witnesses appear in accordance with the Parties' jointly proposed schedule.

- UNE Issues: III-9, IV-14, IV-15, V-3, V-4, V-4-a, VI-1(E)
- Resale: V-10 (resale of vertical features)
- Intercarrier Comp -- I-5 (ISP Reciprocal Compensation)
- Business Process -- IV-56 (NCTDE)
- Pricing Terms and Conditions: will consider any or all if Petitioners agreeable
- General Terms and Conditions: will consider any or all if Petitioners agreeable
- Miscellaneous: will consider any or all if Petitioners agreeable
- Rights of Way: will consider any or all if Petitioners agreeable

Witness Issue

Although Verizon VA generally followed the subject matter groupings originally used by the Petitioners in their respective Petitions for Arbitration in filing its pleadings and testimony, the Parties have cooperated to re-group issues throughout the course of testimony, mediation, preparation of the JDPLs, and preparation of a jointly proposed schedule. Nevertheless, in an effort to accommodate various Parties' and witnesses' needs, Verizon VA requests the following with respect the appearance of its witness, Vincent Woodbury.

Verizon VA witness Vincent Woodbury generally is a member of the UNE Panel and offered testimony as part of that UNE Panel. Specifically, Mr. Woodbury addresses Issue Nos. IV-23, IV-24, IV-25, IV-80, and IV-81, which are currently grouped with the UNE Panel for hearing. Mr. Woodbury addresses one other issue, which is currently grouped with the General Terms and Conditions Panel for hearing -- that is, Issue No. IV-91 (branding). Mr. Woodbury will be traveling from New York to appear on October 3 and 4. Rather than require Mr. Woodbury to travel back for an appearing the latter portion of the following week, Verizon VA requests either (i) that any cross-examination for Mr. Woodbury regarding his testimony on Issue No. IV-91 be directed to him during his appearance on the UNE Panel or (ii) that Mr. Woodbury be permitted to appear for cross-examination by telephone during the second week of the non-cost hearing. This will avoid the need for Mr. Woodbury to make two separate trips. Verizon VA discussed the possibility of moving Issue No. IV-91 to the UNE Panel, but Verizon VA understands that WorldCom would have the same issue -- that is, a witness who would have to travel to appear on both sides of the weekend if Issue No. IV-91 were moved to the UNE Panel.

Post-Hearing Briefs

Verizon VA proposes a bifurcation of the post-hearing brief schedule for the non-cost issues.

Verizon VA proposes two rounds of briefing as follows:

For non-cost issues: (1) initial post-hearing briefs on non-cost issues on November 2, with a limit of 50 pages for Cox, 100 pages each for AT&T and WorldCom, and 150 pages for Verizon VA; and (2) reply briefs on non-cost issues on November 19, with a limit of 25 pages for Cox, 50 pages each for AT&T and WorldCom, and 75 pages for Verizon VA.

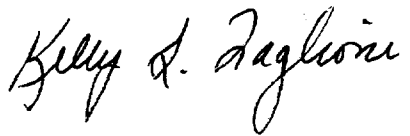
For cost issues: (1) initial post-hearing briefs on cost issues on November 13, with a limit of 250 pages for (i) Verizon VA and (ii) for the joint AT&T/WorldCom brief;

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and (2) reply briefs on cost issues on November 21, with a limit of 50 pages for (i) Verizon VA and (ii) for the joint AT&T/WorldCom reply brief.

Verizon VA appreciates the opportunity to share these suggestions and looks forward to attending tomorrow's pre-hearing conference.

Sincerely,



Kelly L. Faglioni

KLF/ar
Attachments

cc: Magalie Salas (By Hand) (4 copies)
Jeffery Dygert
Katherine Farroba
John Stanley

Jodie L. Kelley, counsel for WorldCom (By Telecopy)
Kimberly Wild, counsel for WorldCom (By Telecopy)
David Levy, counsel for AT&T (By Telecopy)
Mark A. Keffer, counsel for AT&T (By Telecopy)
J.G. Harrington, counsel for Cox (By Telecopy)
Carrington F. Philip, counsel for Cox (By Telecopy)

**PROPOSED HEARING SCHEDULE BY PANEL/SUB-PANEL AND
PROPOSED "SUB-PANELS"**

The Parties are evaluating whether to propose to waive cross-examination on particular issues and will follow up with any proposed issues.

Additionally, when an issue is listed, it is intended to include any sub-parts whether or not specifically set forth.

October 3 (after lunch)

- **UNEs**

Subpanel 1: Issues III-6, III-7, III-8, III-9, VI-3(B), VII-10, and VII-11

Subpanel 2: Issues V-3, V-4, and V-4-a

Subpanel 3: Issues V-7, V-12, and V-13

Subpanel 4: Issues IV-8 (WCom witness only; cross VZ on this issue on Network Arch. panel) (*cross will be by lawyer different than the lawyer otherwise crossing on UNE issues), IV-23, IV-24, IV-25, IV-80, and IV-81

Subpanel 5: Issues III-11, III-12, IV-18, IV-19, and IV-21

Subpanel 6: Issues IV-14, IV-15, and possibly VI-1(E) (*VZ to add Chris Antoniou to this panel)

October 4

- **UNEs (carry over)**

- **Advanced Services:**

Issues III-10, IV-28, V-6, V-9 (VZ has possible overlap with resale panel)

October 5

- **Advanced Services (carry over)**

- **Resale**

Issue V-9 (VZ has possible overlap with Advanced Services Panel)

Issue V-10

October 9

- **Network Architecture**

Subpanel 1: Issues I-1, I-1(a), I-2, I-3, I-4, III-3, III-3(a), VII-1, VII-3

Subpanel 2: Issues III-1, III-2, and IV-1

Subpanel 3: I-7, III-4, III-4(a), and III-4(b)

Subpanel 4: IV-2, IV-3, IV-4, IV-5, IV-6, IV-8 (Verizon witness only; cross WCom on this issue on UNE panel), IV-11, IV-34, IV-37, VI-1(A), VI-1(B), and VI-1(C)

Subpanel 5: V-1, V-2, V-16, VII-4, VII-5, and VII-6

- **Intercarrier Compensation (if time allows)**

Issues I-5, I-6, III-5, V-8, VII-8, and IV-35 (VZ has possible overlap on this issue between InterCarrier Comp and GTC Panel -- WCom addresses this issue on PTC Panel)

October 10

- **Intercarrier Compensation (carry over)**

- **Business Process**

Subpanel 1: Issues I-8, IV-97, IV-56, and IV-74.

Subpanel 2: Issues IV-7 and IV-79

**AT&T would like Parties to consider having PTC before Business process if it works out to do so. WorldCom is checking witness travel arrangements. Verizon notes that it has witnesses on this panel that need to get to RI proceeding ASAP, but would consider reversal depending on ultimate schedule in RI and timing and number of issues on which parties ultimately agree to waive cross.*

- **Pricing Terms and Conditions (start if possible)**

Subpanel 1: Issues III-18, IV-30, IV-32, IV-36, IV-85, VII-23, VII-24, and VII-25

Subpanel 2: Issues I-9, IV-31 (although Verizon has some testimony on this issue in its Network Architecture panel testimony), and IV-35 (although Verizon intercarrier comp panel address this issue)

Subpanel 3: Issue VII-12 and VII-14.

October 11

- **Pricing Terms and Conditions** (carry over)
- **Miscellaneous**

Issues VI-1(Y) and VI-1(AA)

- **General Terms and Conditions**

Special notes:

Issue IV-45 (WorldCom witness available only on the 11th)

Issue IV-84 (address ASAP on GTC panel)

Issue IV-91 (Verizon witness Woodbury appears on UNE panel -- request any cross of him on this issue to be conducted then or that he be allowed to appear by telephone rather than travel back from New York for this one issue)

Subpanel 1: I-10, IV-45, IV-84, V-15 and VII-17 (transfer of exchanges)

Subpanel 2: I-11, IV-91 (for WCom witness), IV-95, IV-101, IV-110

Subpanel 3: IV-106 and V-11 (indemnification), IV-113

Subpanel 4: VI-1(N), VI-1(O), VI-1(P), VI-1(Q), and VI-1(R)

Subpanel 5: III-15 and IV-107 (intellectual property), IV-120 and IV-121 (remedies), IV-129

- **Rights of Way**

Issues III-13, III-13(h), and V-14.

October 12

Carry over

**VERIZON VA'S PROPOSED FORMAT AND PROCEDURES
FOR NON-COST HEARING**

- **Proposed hearing day (generally):**

October 3-4-5: 9:30 a.m. through 5:30 or 6:00 p.m. with 1 ½ hour lunch break (to account for movement to and from lunch locations)

October 9-12: 9:30 a.m. through 5:30 or 6:00 p.m. with 1 hour lunch break (assuming available conference room at Jenner and Block for lunch location)

- **Opening day:**

Before lunch: any procedural or ministerial matters; opening statements (approx 2 hours total with no more than ½ hour per party for opening statements)

Lunch Break

After lunch: begin UNE panels

- **Pre-marking and pre-admission of exhibits:**

Parties will premark the exhibits identified in the exhibit designations already filed. The Parties will mark their exhibits as follows: "Verizon Exhibit ____ [1 through ?]; AT&T Exhibit ____ [1 through?]; WorldCom Exhibit ____ [1 through ?]; Cox Exhibit ____ [1 through ?]. At the hearing, any exhibit proponent will plan to mark the exhibit by party name followed by the number that continues the numbering of the pre-marked and pre-filed exhibits. For example, if AT&T offers an exhibit for admission into the record, AT&T will mark it as "AT&T Exhibit ____ [using the number that picks up from the pre-marked and pre-filed exhibits and continuing throughout the hearing].

Subject to resolution of any objections to the exhibit designations already filed, if any such objections are filed, the Verizon VA suggests moving the exhibits into the record either at the pre-hearing conference or on the first day of hearing. Corrections to testimony still may be necessary "on the stand."

- **Panels and sub-panels -- FORMAT**

Generally, the Verizon VA suggests calling "panels" or "sub-panels" of witnesses (see proposed schedule for groupings).

- For administrative ease, all witnesses -- both for Verizon and Petitioners -- will come forward and be seated and sworn for testimony at the same time.

- Petitioners panel/sub-panel “introductions” (name, position, identification of issues covered)
- Verizon will cross-examine the panel or sub-panel of Petitioner witnesses.
 - There will be only one lawyer from Verizon who cross-examines a panel or sub-panel (as applicable).
 - It will be Verizon’s option to pose a question to the Petitioner “panel/sub-panel,” to a particular party, or to a particular witness as appropriate.
 - Petitioners will not cross-examine Petitioners.
- Verizon panel/sub-panel “introductions” (name, position, identification of issues covered)
- Petitioners will cross-examine the panel or sub-panel of Verizon witnesses
- Petitioners will cross-examine the panel or sub-panel on their respective issues only.
 - Although each Petitioner may conduct cross-examination to the extent that each has an issue for the panel/sub-panel, there will be only one lawyer per Petitioner who cross-examines a panel/sub-panel (as applicable).
 - Petitioners agree not to engage in duplicative cross-examination.
 - It will be each Petitioner’s option to pose a question to the Verizon “panel/sub-panel”, to a particular party, or to a particular witness as appropriate.
- Verizon VA recognizes that it may be beneficial for the Commission to interject questions during the Parties’ cross-examination. To the extent that any time constraints are imposed on cross-examination, the Commission’s questions should not be counted in that time period. However, the Commission generally will pose questions to the panel/sub-panel as a whole (both Verizon and Petitioner witnesses) after the initial round of cross-examination by the Parties. Verizon VA proposes that the Commission give equal opportunity to each Party to respond by Party assuming the question implicates an issue joined by that Party.

• Time Limits For Cross-Examination

Verizon VA proposes the following time limits for cross-examination by the Parties, to be divided among sub-panels as the Parties deem appropriate:

- UNE: 2 hours to Verizon; 2 hours to Petitioners
- Advanced Services: 1 ½ hour to Verizon; 1 ½ hour to Petitioners
- Resale: 15 minutes to Verizon; 15 minutes to Petitioner

- Network Architecture: 2 hours to Verizon; 2 hours to Petitioners
- Intercarrier Compensation: 1 hour to Verizon; 1 hour to Petitioners
- Business Process: 1 hour to Verizon; 1 hour to Petitioners
- Pricing Terms and Conditions: ½ hour to Verizon; ½ hour to Petitioners
- Miscellaneous: 15 minutes to Verizon; 15 minutes to Petitioners
- General Terms and Conditions: 1 hour to Verizon; 1 hour to Petitioners
- Rights of Way: ½ hour to Verizon; ½ hour to Petitioners

Verizon VA proposes no time limits for Commission questions, but proposes that Commission questions not be counted toward either Verizon VA's or Petitioners' cross-examination time limits.